

Remarks / Discussion of Issues

In the non-final Office Action dated March 4, 2009, it is noted that claims 1-25 are pending, and claims 1-25 stand rejected. Claims 1, 17, and 25 are independent claims. Claims 2-16 depend ultimately from claim 1 and claims 18-24 depends from claim 17.

By this response, claims 1-10 and 14-25 have been amended to clarify certain aspects of the subject matter. No new matter has been added.

Rejections under 35 U.S.C. §112

Claims 1, 2, 4-6, 8, 9, 17-20, 22, 23, and 25 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention, alleging insufficient antecedent basis for features in these claims.

Responsive to the rejections regarding the allegation of insufficient antecedent basis, Applicants have amended claims 1, 2, 4-6, 9, 15, 17-20, 22, 23, and 25 and respectfully request the withdrawal of the rejection to these claims under 35 U.S.C. § 112, second paragraph.

Applicants respectfully disagree with the allegation of insufficient antecedent basis in claims 5, 6, 19, and 20 with respect to the feature "said priority information." Applicants respectfully note that the claims recite the features of "information on the priority or priority class of said future transmission," which immediately precedes "said priority information," thereby providing adequate antecedent basis for claims 5, 6, 19, and 20. As such, Applicants respectfully request the withdrawal of the rejection to claims 5, 6, 19, and 20 under 35 U.S.C. § 112, second paragraph.

The Office Action alleges that the phrase "e.g." in claim 8 renders the claim indefinite. Applicants have amended claim 8 in response to this allegation, and respectfully request the withdrawal of the rejection to claim 8 under 35 U.S.C § 112, second paragraph.

Applicants submit that the rejection of claims 1, 2, 4-6, 8, 9, 17-20, 22, 23, and 25 under 35 U.S.C. §112, second paragraph, has been traversed and respectfully

request the withdrawal of the rejection to these claims.

Rejections under 35 U.S.C. §103

Claims 1-4, 8-11, 13, 17, 18, and 25

Claims 1-4, 8-11, 13, 17, 18, and 25 stand rejected under 35 U.S.C. § 103(a) over US 6404756 B1 Whitehill, et al. (hereinafter Whitehill) in view of US 5231634 A Giles, et al. (hereinafter Giles). The Applicants respectfully traverse this rejection.

Applicants' claim 1 recites, among other things,:

transmitting the reservation request signaling reservation information including a starting point and duration of the future transmission, thereby defining a time period of the future transmission, and, in case of a multi-channel system, further including a frequency or code of the channel of the future transmission, thereby establishing a reservation, Emphasis added.

The Office Action alleges that the emphasized feature is disclosed by Whitehill at column 9, lines 51-61. Applicants respectfully disagree.

The cited portion of Whitehill appears to disclose a source modem intending to transmit a Request to Send (RTS) message to a single destination node (i.e. not a broadcast message). The destination node apparently replies with a Clear to Send (CTS) message, upon which, the source modem responds to the CTS message. However, Whitehill apparently does not establish a reservation until after the source modem transmits the RTS message, receives the CTS message, and responds to the CTS message. This is in contrast to Applicants' claim 1, whereby the transmission of a reservation request for a future transmission to an intended receiving station establishes the reservation. As such, Whitehill does not disclose this feature of Applicants' claim 1.

Giles does not cure the deficiencies of Whitehill as noted with respect to claim 1. Giles at column 6, lines 37-52 and at Fig. 4A, apparently discloses an agent that transmits an RTS message, prepares to receive a CTS message, and then transmits a second key-up message in response to receiving the CTS message. Fig. 4A appears to show that an RTS reservation is established after these series of transmissions occur, in particular, transmitting an RTS message, followed by transmitting a key-up message, receiving a CTS message, transmitting a second key-up message, a data packet, and a third key-up message, and an acknowledgement (ACK) message. In fact, Fig. 4A appears to show that the RTS reservation comprises the three key-up messages, the CTS message, the data packet, and the ACK message. This contrasts with claim 1, wherein the transmission of a reservation request for a future transmission to an intended receiving station establishes the reservation. Thus, Giles does not disclose this feature of claim 1. Accordingly, applicants respectfully submit that claim 1 is allowable in view of the combination of Whitehill and Giles.

Independent claims 17 and 25, while different from claim 1, include features which have similar distinguishing features as pointed out above. The analysis of these independent claims is substantially analogous to the analysis of claim 1, as presented hereinabove. To avoid repetition, claims 17 and 25 will not be discussed in detail with the understanding that they are patentable at least for the same reasons as claim 1. Insofar as claim 1 is allowable, Applicants respectfully submit that claims 17 and 25 are also allowable.

Dependent claims 2-4, 8-11, and 13 depend from claim 1, and dependent claim 18 depends from claim 17. These dependent claims inherit all of the respective features of their respective base claim. These dependent claims are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features.

It is respectfully submitted that the rejection of claims 1-4, 8-11, 13, 17, 18, and 25 has been overcome. Hence, withdrawal of the rejection under 35 U.S.C. 103(a) and early allowance of the claims are respectfully requested.

Claims 5, 6, 12, 19, and 20

Claims 5, 6, 12, 19, and 20 stand rejected under 35 U.S.C. § 103(a) over Whitehill, Giles, and further in view of US 6704932 Matsunaga et al. (hereinafter Matsunaga). The Applicants respectfully traverse this rejection.

Claims 5, 6, and 12 depend from independent claim 1, and claims 19 and 20 depend from independent claim 17. Each dependent claim includes all the features of their respective independent base claim, and also includes additional distinguishing features. The Office Action cites Matsunaga as allegedly teaching or disclosing features in claims 5, 6, 12, 19, and 20 which are admitted as lacking by the combination of Whitehill and Giles. However, Matsunaga does not cure the deficiencies of Whitehill and Giles as noted with respect to independent claims 1 and 17. Thus, claims 5, 6, 12, 19, and 20 are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features.

It is respectfully submitted that the rejection of claims 5, 6, 12, 19, and 20 has been overcome. Hence, withdrawal of the rejection under 35 U.S.C. 103(a) and early allowance of the claims are respectfully requested.

Claims 7 and 21

Claims 7 and 21 stand rejected under 35 U.S.C. § 103(a) over Whitehill, Giles, and further in view of US 5960001 Shaffer et al. (hereinafter Shaffer). The Applicants respectfully traverse this rejection.

Claim 7 depends from independent claim 1, and claim 21 depends from independent claim 17. Each dependent claim includes all the features of their respective independent base claim, and also includes additional distinguishing features. The Office Action cites Shaffer as allegedly teaching or disclosing features in claims 7 and 21 which are admitted as lacking by the combination of Whitehill and Giles. However, Shaffer does not cure the deficiencies of Whitehill and Giles as noted with respect to independent claims 1 and 17. Thus, claims 7 and 21 are patentable for at least the same reasons discussed above with respect to each

independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features.

It is respectfully submitted that the rejection of claims 7 and 21 has been overcome. Hence, withdrawal of the rejection under 35 U.S.C. 103(a) and early allowance of the claims are respectfully requested.

Claims 14, 15, 22, and 23

Claims 14, 15, 22, and 23 stand rejected under 35 U.S.C. § 103(a) over Whitehill, Giles, and further in view of US 5633911 Han et al. (hereinafter Han). The Applicants respectfully traverse this rejection.

Claims 14 and 15 depend from independent claim 1, and claims 22 and 23 depend from independent claim 17. Each dependent claim includes all the features of their respective independent base claim, and also includes additional distinguishing features. The Office Action cites Han as allegedly teaching or disclosing features in claims 14, 15, 22, and 23 which are admitted as lacking by the combination of Whitehill and Giles. However, Han does not cure the deficiencies of Whitehill and Giles as noted with respect to independent claims 1 and 17. Thus, claims 14, 15, 22, and 23 are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features.

It is respectfully submitted that the rejection of claims 14, 15, 22, and 23 has been overcome. Hence, withdrawal of the rejection under 35 U.S.C. 103(a) and early allowance of the claims are respectfully requested.

Claims 16 and 24

Claims 16 and 24 stand rejected under 35 U.S.C. § 103(a) over Whitehill, Giles, and further in view of US 7433691 White (hereinafter White). The Applicants respectfully traverse this rejection.

Claim 16 depends from independent claim 1, and claim 24 depends from independent claim 17. Each dependent claim includes all the features of their respective independent base claim, and also includes additional distinguishing features. The Office Action cites White as allegedly teaching or disclosing features in

claims 16 and 24 which are admitted as lacking by the combination of Whitehill and Giles. However, White does not cure the deficiencies of Whitehill and Giles as noted with respect to independent claims 1 and 17. Thus, claims 16 and 24 are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features.

It is respectfully submitted that the rejection of claims 16 and 24 has been overcome. Hence, withdrawal of the rejection under 35 U.S.C. 103(a) and early allowance of the claims are respectfully requested.

Conclusion

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all pending claims are respectfully solicited.

If there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

By: /Brian S. Myers/
Brian S. Myers
Registration No.: 46,947
973-401-7157